

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARRY BENSON, JR.,	:	
	:	Civil Action No. 4:07-CV-0353
Plaintiff,	:	
	:	
v.	:	(Judge McClure)
	:	
P. RUANE, J. HEMPERLY,	:	
EUGENE HARRIS and DAWN	:	
WOLLINGHAMLY	:	
	:	(Magistrate Judge Mannion)
Defendants.	:	

ORDER

May 5, 2009

BACKGROUND:

On February 23, 2007, plaintiff Barry Benson, Jr., proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983. (Rec. Doc. No. 1). On May 4, 2007, plaintiff filed an amended complaint. (Rec. Doc. No. 19). His amended complaint alleges an Eighth Amendment claim based on a denial of medical treatment while housed at the Gaudenzia Siena House, a drug and alcohol treatment facility. The named defendants are employees of Gaudenzia Siena House.

The matter was initially referred to United States Magistrate Judge Malachy E. Mannion.

On July 6, 2007, defendants filed a Motion to Dismiss, which Judge

Mannion recommended be denied, and was subsequently denied by this court on December 21, 2007. (Rec. Doc. Nos. 41, 52, and 53). The case was then remanded to Judge Mannion.

On July 7, 2008, defendants filed a Motion for Summary Judgment. (Rec. Doc. No. 70). Defendants' brief was filed July 16, 2008. (Rec. Doc. No. 72). Plaintiff was granted an extension of time to file his brief, thus his opposing brief was timely filed March 3, 2009.

On March 5, 2009, the magistrate judge filed an eight-page report and recommendation recommending that the motion for summary judgment be granted because plaintiff failed to provide sufficient evidence that defendants were deliberately indifferent to his medical needs. (Rec. Doc. No. 86). Plaintiff's objections to the report and recommendation were due March 23, 2009, and none was filed.

Because we agree with the magistrate judge's thorough analysis that the action should be dismissed and because plaintiff has not filed any objections, we will adopt the magistrate judge's report and recommendation in its entirety. We find that plaintiff failed to provide sufficient evidence that the defendants were deliberately indifferent to his medical needs. We will not rehash the sound reasoning of the magistrate judge.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. United States Magistrate Judge Malachy E. Mannion's Report and Recommendation is adopted in full. (Rec. Doc. No. 86.)
2. Defendants' Motion for Summary Judgment is GRANTED. (Rec. Doc. No. 70).
3. The complaint is DISMISSED
4. The clerk is directed to close the case file.

s/ James F. McClure, Jr.
JAMES F. McCLURE, JR.
United States District Judge